

AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE I, SECTION 115-4 “DEFINITIONS” OF THE CODE OF SUSSEX COUNTY REGARDING “YARD, FRONT” AND “YARD, REAR” OF THROUGH LOTS, AND CHAPTER 115, SECTION 115-183 “SIDE AND REAR YARDS”

WHEREAS, The Sussex County Zoning Code currently defines “Through Lots”, but does not adequately define the area of such “Through Lot” that must be considered the front or rear yard of such a lot; and

WHEREAS, As a result of the uncertainty in the Code as to Through Lots, they often require a determination from the Sussex County Board of Adjustment; and

WHEREAS, As a result of the volume of Board of Adjustment applications resulting from Through-Lots and the necessity to determine the front yard and rear yard of them, Sussex County Council has determined that it is appropriate to amend the Zoning Code of Sussex County to add clarity and uniformity to the treatment of “Through Lots” and the determination of the front and rear yards within them; and

WHEREAS, this amendment protects the health, safety and welfare of Sussex County and its residents by clarifying the Code of Sussex County as it pertains to “Through Lots” and their front and rear yards.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Code of Sussex County, Chapter 115, Section 115-4 “Definitions and Word Usage”, “Yard, Front”, and “Yard, Rear” is amended by deleting the language in brackets and inserting therein the italicized language:

§115-4 Definitions and Word Usage

...

B.

General definitions. For the purpose of this chapter, certain terms and words are hereby defined as follows:

...

YARD, FRONT

A yard extending between the side lot lines and being the minimum horizontal distance between the street line, or other officially approved front line, and the main building or any projections thereof. *Provided, however, that in the case of a Through*

Lot, the required front yard adjacent to the street serving as the street address of the lot shall function as the front yard.

YARD, REAR

A yard extending across the rear of the lot between the side lot lines and measured between the rear lot line and the rear of the main building or any projection, other than steps, unenclosed porches, or entryways. Provided, however, that in the case of a Through Lot, the yard opposite from the street serving as the street address of the lot shall function as the rear yard subject Sections 115-183 and 115-185 of this Chapter.

Section 2. The Code of Sussex County, Chapter 115, Section 115-183 “Side and Rear Yards” is amended by adding a new Subsection E therein as shown in the italicized language:

§115-183 Side and Rear Yards

...

E. On all Through Lots, the yard opposite for the street serving as the street address of the lot shall function as the rear yard and the rear yard of a through lot shall be subject to the following requirements:

(1) Except for accessory buildings and structures subject to §115-185 of this Article and which are 22 feet in height or less, the setback requirement for the rear yard of a through lot shall be the same as the setback requirement for the front yard of a through lot.

(2) The provisions of §115-183(c) of this Article do not apply to the rear yard of a through lot. Open unenclosed decks, porches, platforms, or steps not covered by a roof or canopy and which do not extend above the first floor of the building may extend or project into the rear yard of a through lot by no more than five feet.

(3) The provisions of §115-183(d) of this Article that reduce the rear yard setback requirements shall not apply.